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09/972,145

10/05/2001

Joseph R. Rulison

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10/02/2008

BANNER & WITCOFF, LTD

ATTORNEYS FOR CLIENT NUMBER 007131

10 SOUTH WACKER DR.

SUITE 3000

CHICAGO, IL 60606

EXAMINER

SHRESTHA, BIJENDRA K

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

10/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/972,145	Applicant(s) RULISON, JOSEPH R.	
	Examiner BIJENDRA K. SHRESTHA	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-5 are presented for examination. Applicant filed an amendment on 06/27/2007 canceling all the claims and adding new claims 6-18. After careful consideration of applicant's arguments and amendments, new grounds of rejections of new claims necessitated by Applicant's amendment are established in the instant application as set forth in detail below. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 6, 9, 14-16 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

3. As per claims 6, 9, 14-16 and 18, the following claim recitation is not described in the specification:

determine whether the monetary amounts of the plurality of investment accounts exceed a percent threshold of the total assets, wherein the percent threshold is above

90%; upon determining that the monetary amounts of the plurality of investment accounts does not exceed the percent threshold of the total assets, adjust the plurality of investment accounts to include a portion of the identified remaining cash so the monetary amounts of the plurality of investment accounts exceed the percent threshold of the total assets; and revise the first and second electronic records in response to the adjusted plurality of investments accounts.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein, U. S. Patent No. 6,795,811 (reference A in attached PTO-892) in view of Ball, U.S. Patent No. 6,278,983 (reference B in attached PTO-892).

6. As per Claim 6, 9, 14-16 and 18, Epstein teaches a computer implemented method comprising:

maintaining a first electronic record of a plurality of cash accounts of an entity, each of the cash accounts including a monetary amount; determining cash receipts of the entity for a time period; determining expenditures of the entity for the time period; identifying a monetary change in the first electronic record for the time period based

upon the determined cash receipts and the determined expenditures for the time period; determining whether cash in the plurality of cash accounts is available to meet the determined expenditures over the time period; upon determining cash in the plurality of cash accounts is available to meet the determined expenditures over the time period, identifying remaining cash in the plurality of cash accounts after allocation of cash for the determined expenditures (see column 1, lines 31-35);

maintaining a second electronic record of a plurality of investment accounts of the entity, each of the investment accounts including a monetary amount; adding the identified remaining cash with the monetary amounts of the plurality of investment accounts to find total assets (see Fig. 4; column 1, lines 12-25);

Epstein does not teach determining whether the monetary amounts of the plurality of investment accounts exceed a percent threshold of the total assets, wherein the percent threshold is above 90%; upon determining that the monetary amounts of the plurality of investment accounts does not exceed the percent threshold of the total assets, adjusting the plurality of investment accounts to include a portion of the identified remaining cash so the monetary amounts of the plurality of investment accounts exceeds the percent threshold of the total assets; and revising the first and second electronic records in response to the adjusted plurality of investments accounts.

Ball teaches automated resource allocation between invested and an uninvested account and moves money between the accounts to meet the prescribed condition (Ball, see abstract; column 2, lines 1-52).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to allow automated resource allocation between invested and an uninvested account and moves money between the accounts to meet the prescribed condition of Epstein because Ball teaches that incorporating above features would enable to control fluctuation in the account (Ball, column 1, 9-21)

7. As per claim 7, Epstein teaches claim 6 as described above. Epstein further teaches the method wherein the time period is a period of one month (see column 1, lines 31-35; where cash available could be forecasted for any period).

8. As per claim 8, Epstein teaches claim 6 as described above. Epstein further teaches the method wherein

the entity is a government municipality (see column 1, line 12; where public company could be government municipality).

9. As per claim 10 and 17 Epstein teaches claim 9 as described above. Epstein further teaches the method comprising:

determining cash receipts of the entity for predetermined historical time periods; determining expenditures of the entity for the predetermined historical time periods; and revising the first and second electronic records to include the determined cash receipts and expenditures for the predetermined historical time periods (see column 1, lines 31-32; where Examiner notes that cash flow forecast is based historical data).

10. As per claim 11, Epstein teaches claim 10 as described above. Epstein further teaches the method wherein

the predetermined historical time periods are a specific number of months (see column 1, lines 31-32; where cash flow forecast which is based on historical data could be for any specific time period).

11. As per claim 12, Epstein teaches claim 1 as described above. Epstein further teaches the method comprising:

determining cash receipts of the entity for predetermined historical time periods; determining expenditures of the entity for the predetermined historical time periods; and revising the first and second electronic records to include the determined cash receipts and expenditures for the predetermined historical time periods (see column 1, lines 31-35; where cash flow forecast is based on historical cash receipt for an entity).

12. As per claim 13, Epstein teaches claim 12 as described above. Epstein further teaches the method, wherein

the predetermined historical time periods are a specific number of months (see column 1, lines 31-32; where cash flow forecast is based on historical data of any time period).

Response to Arguments

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in § 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to § 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosures. The following are pertinent to current invention, though not relied upon:

Beard (U.S. Pub No. 2002/0178908) teaches system and method for quantifying the working capital benefit of polling a number of separate cash accounts.

Erwin et al. (U.S. Patent No. 6,249,770) teach method and system of financial forecasting.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BIJENDRA K. SHRESTHA whose telephone number is (571)270-1374. The examiner can normally be reached on 7:00AM-4:30PM(Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/
Supervisory Patent Examiner, Art
Unit 3691

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